

1-1 By: Ellis S.B. No. 140
1-2 (In the Senate - Filed November 25, 2002; January 29, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 10, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 10, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to prohibiting the promotion of certain improper
1-9 photographs or visual recordings; providing a penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 21.15, Penal Code, is amended to read as
1-12 follows:

1-13 Sec. 21.15. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING.

1-14 (a) In this section, "promote" has the meaning assigned by Section
1-15 43.21.

1-16 (b) A person commits an offense if the person:

1-17 (1) photographs or by videotape or other electronic
1-18 means visually records another:

1-19 (A) [~~(1)~~] without the other person's consent;
1-20 and

1-21 (B) [~~(2)~~] with intent to arouse or gratify the
1-22 sexual desire of any person; or

1-23 (2) knowing the character and content of the
1-24 photograph or recording, promotes a photograph or visual recording
1-25 described by Subdivision (1).

1-26 (c) [~~(b)~~] An offense under this section is a state jail
1-27 felony.

1-28 (d) If conduct that constitutes an offense under this
1-29 section also constitutes an offense under any other law, the actor
1-30 may be prosecuted under this section or the other law.

1-31 SECTION 2. This Act takes effect September 1, 2003.

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